

BUSINESS REPORT
MONTANA SENATE
62nd LEGISLATURE - REGULAR SESSION
SENATE FISH AND GAME COMMITTEE

Date: Tuesday, January 25, 2011
Place: Capitol

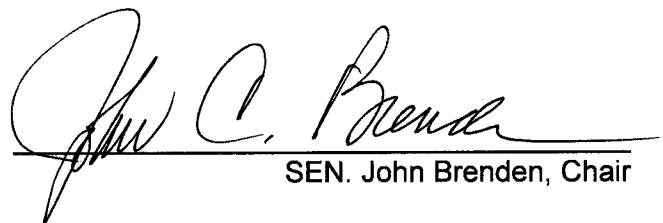
Time: 3:00 PM
Room: 422

BILLS and RESOLUTIONS HEARD:

SB 135 - Clarify use of dogs to track wounded game animals

EXECUTIVE ACTION TAKEN: SB 135 - Do pass as amended
SB 90 - Do pass as amended
SB 92 - Do pass as amended
SB 136 - Do pass as amended
SB 160 - Do pass as amended

Comments:



SEN. John Brenden, Chair

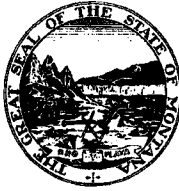
MONTANA STATE SENATE ROLL CALL

FISH & GAME COMMITTEE

DATE: January 25, 2011

NAME	PRESENT	ABSENT/ EXCUSED
Vice Chair Balyeat	✓	
Senator Barrett	✓	
Chairman Brenden	✓	
Senator Facey	✓	
Senator Gallus	✓	
Senator Hamlett	✓	
Senator Hinkle	✓	
Senator Jent	✓	
Senator Shockley		✓
Senator Wittich		✓

10 Committee Members



SENATE STANDING COMMITTEE REPORT

January 25, 2011

Page 1 of 1

Mr. President:

We, your committee on **Fish and Game** recommend that **Senate Bill 135** (first reading copy -- white) **do pass as amended.**

Signed: _____

John A. Brenden
Senator John Brenden, Chair

And, that such amendments read:

1. Page 2, line 9.

Following: "(4)"

Insert: "(a)"

Following: "may"

Insert: ":"

(i)"

2. Page 2, line 10.

Following: "season"

Strike: "._"

Insert: ";

(ii) carry any weapon allowed by law; and

(iii) dispose of the wounded game animal using the weapon allowed pursuant to the valid hunting license.

(b)"

3. Page 2, line 12.

Following: "harness."

Insert: "(c)"

4. Page 2, line 13.

Following: "87-3-302."

Insert: "(d)"

- END -

Committee Vote:

Yes 10, No 0

Fiscal Note Required ☐

SB0135001SC.sdr

NR



SENATE STANDING COMMITTEE REPORT

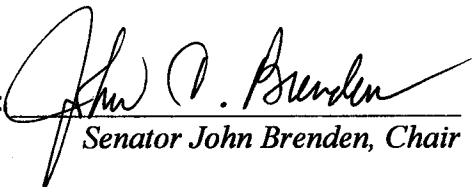
January 25, 2011

Page 1 of 2

Mr. President:

We, your committee on **Fish and Game** recommend that **Senate Bill 90** (first reading copy -- white) **do pass as amended.**

Signed:


Senator John Brenden, Chair

And, that such amendments read:

1. Page 1, line 11 through line 18.

Strike: section 1 in its entirety

Insert: "NEW SECTION. **Section 1. Hunters united to stop hunger -- findings -- rulemaking.** (1) The legislature finds that:

(a) some areas of the state are overpopulated with deer and antelope as evidenced by the sale of B tag licenses to meet population management objectives established by the commission pursuant to 87-1-323;

(b) to encourage the purchase of all available B tag licenses and the taking of game animals with those licenses to meet population management objectives, it is necessary to remove a barrier to the harvest of additional animals by establishing the hunters united to stop hunger program, which facilitates the donation of harvested game animals to charitable or nonprofit organizations for free distribution by depositing \$3 from each deer or antelope B tag license sold into the hunters united to stop hunger account established in [section 2] to pay for the processing of the donated game; and

(c) use of this population management program is in the best interest of the state when deer and antelope B tag licenses are issued for game management purposes.

(2) The department shall:

(a) transfer \$3 from each deer or antelope B tag license sold into the hunters united to stop hunger account established in [section 2]. The department may suspend the transfer upon receipt of a written determination from the United States fish and wildlife service that the provisions of this section

Committee Vote:

Yes 10, No 0

Fiscal Note Required __

SB0090001SC.sdr

DR

constitute a diversion of license fees.

(b) adopt rules governing the payment of funds from the hunters united to stop hunger account to meat processors for the processing of donated game animals. The rules may include the use of a request for proposals process in areas where a competitive meat processing market exists."

2. Page 1, line 24.

Following: "(a)"

Strike: "\$1"

Insert: "pursuant to the provisions of [section 1], \$3"

Strike: "hunting"

Insert: "B tag"

3. Page 1, line 28.

Following: "(3)"

Insert: "(a)"

Strike: "Any"

Insert: "Except as provided in subsection (3)(b), any"

4. Page 1.

Following: line 29

Insert: "(b) (i) If the unencumbered balance of the account exceeds \$50,000 at the end of any fiscal year, the portion of the balance above \$50,000 must be transferred to the department's general license account.

(ii) If the department receives a written determination from the United States fish and wildlife service that the provisions of [section 1] constitute a diversion of license fees, any unencumbered balance in the account must be transferred to the department's general license account."

- END -



SENATE STANDING COMMITTEE REPORT

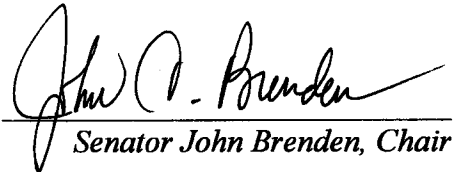
January 25, 2011

Page 1 of 1

Mr. President:

We, your committee on **Fish and Game** recommend that **Senate Bill 92** (first reading copy -- white) **do pass as amended.**

Signed:


Senator John Brenden, Chair

And, that such amendments read:

1. Page 1, line 10.

Following: "state"

Insert: "-- capture"

Following: "~~(1)~~"

Insert: "(1)"

2. Page 1, line 15.

Following: line 14

Insert: "(2) Nonresidents may capture raptors in Montana for falconry or captive breeding purposes pursuant to rules adopted under 87-5-204.

(3) A resident of a state that does not allow Montana residents to trap raptors in that state may not obtain a trapping permit in Montana."

- END -

Committee Vote:

Yes 10, No 0

Fiscal Note Required ☐

SB0092001SC.sdr

02



SENATE STANDING COMMITTEE REPORT

January 25, 2011

Page 1 of 3

Mr. President:

We, your committee on **Fish and Game** recommend that **Senate Bill 136** (first reading copy -- white) do pass as amended.

Signed: _____

John P. Brenden
Senator John Brenden, Chair

And, that such amendments read:

1. Title, line 5 through line 6.

Strike: "DEFINING" on line 5 through "LICENSES;" on line 6

2. Title, line 6.

Following: "SECTIONS"

Strike: "87-2-102, 87-2-106, AND"

Insert: "87-1-290,"

Following: "87-2-514,"

Insert: "and 87-2-515,"

3. Page 1, line 11 through page 6, line 16.

Strike: section 1 through section 3 in their entirety

Insert: "Section 1. Section 87-1-290, MCA, is amended to read:

"87-1-290. (Effective March 1, 2011) Hunting access account. (1) There is a hunting access account in the state special revenue fund. Funds deposited in this account may be used only for the purpose of funding any hunting access program established by law or by the department through administrative rule.

(2) The following funds must be deposited in the account:

(a) 25% of the fee for Class B-10 nonresident big game combination licenses pursuant to 87-2-505(1)(c) and 25% of the fee for Class B-11 nonresident deer combination licenses pursuant to 87-2-510(1)(b);

(b) 25% of the fee for hunting licenses issued to nonresident ~~children~~ relatives of a resident pursuant to 87-2-514; and

Committee Vote:

Yes 10, No 0

Fiscal Note Required ____

SB0136001SC.sdr

JB

(c) the hunting access enhancement fees assessed pursuant to 87-2-202(3)(c) and (3)(d).

(3) Any interest or income earned on the account must be deposited in the account."

Insert: "Section 2. Section 87-2-514, MCA, is amended to read:

"87-2-514. Nonresident child relative of resident allowed to purchase nonresident licenses at reduced cost -- definitions.

(1) For the purposes of this section, the following definitions apply:

(a) "Nonresident relative of a resident" means a person born in Montana who is the natural or adoptive child, sibling, or parent of a resident but is not a resident.

(b) "Resident" means a resident as defined in 87-2-102.

(2) Except as otherwise provided in this chapter, a person who is not a resident, as defined in 87-2-102, but who is the natural or adopted child nonresident relative of a resident, as defined in 87-2-102, and who meets the qualifications of subsection ~~(3)~~(5) may purchase:

(a) a Class B nonresident fishing license;

(b) a Class B-1 nonresident upland game bird license; and;

(c) a Class B-7 nonresident deer A tag; and

(d) at the reduced cost specified in subsection (2) and may purchase a Class B-15 nonresident ~~child's~~ elk license as provided in 87-2-515.

(3) This section does not allow a nonresident child relative of a resident to purchase nonresident combination licenses at a reduced price.

~~(2)~~(4) The fee for a nonresident license purchased pursuant to subsection ~~(1)~~(2) is twice the amount charged for an equivalent resident license. The nonresident child relative of a resident shall also purchase a nonresident wildlife conservation license as prescribed in 87-2-202 and pay the nonresident hunting access enhancement fee in 87-2-202(3)(d) if the nonresident child relative of a resident purchases a hunting license.

~~(3)~~(5) To qualify for a license pursuant to subsection ~~(1)~~(2), a nonresident child relative of a resident shall apply at any department regional office or at the department's state office in Helena and present proof of the following:

(a) a birth certificate verifying the applicant's birth in Montana;

~~(b) a high school diploma from a Montana public, private, or home school or certified verification that the applicant has passed the general educational development test in Montana~~

(b) evidence that the person previously held a Montana resident hunting or fishing license or has passed a hunter safety course in Montana pursuant to 87-2-105; and

(c) proof that the applicant ~~has a natural or adoptive parent who is a current Montana resident, as defined in 87-2-102~~ is a nonresident relative of a resident.

~~(4) A qualified nonresident child of a resident may~~

~~purchase licenses pursuant to subsection (1) for up to 6 license years after receiving a diploma or passing the general educational development test as provided in subsection (3)(b).~~

~~(5) A nonresident child of a resident who has been issued a hunting license pursuant to this section is not eligible to apply for or be issued any nonresident special permit.~~

~~(6) A nonresident child of a resident who has been issued a hunting license pursuant to this section must be accompanied by a licensed resident family member while hunting in the field."~~

Insert: "Section 2. Section 87-2-515, MCA, is amended to read:

"87-2-515. Class B-15 nonresident child's elk license. (1) Except as otherwise provided in this chapter, a nonresident child relative of a resident who is qualified to purchase licenses pursuant to 87-2-514 may purchase a Class B-15 nonresident child's elk license for twice the amount charged for a resident Class A-5 elk tag.

(2) A Class B-15 license entitles the holder to hunt elk in areas designated by the commission, at the times and upon the terms set forth by the commission, and to possess the carcass of an elk authorized by the license as set forth in department rules."

Renumber: subsequent section

- END -



SENATE STANDING COMMITTEE REPORT

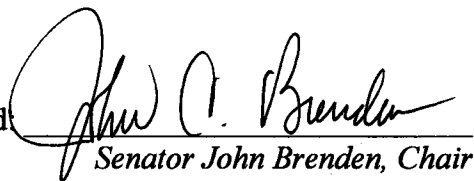
January 25, 2011

Page 1 of 2

Mr. President:

We, your committee on **Fish and Game** recommend that **Senate Bill 160** (first reading copy -- white) **do pass as amended**.

Signed


Senator John Brenden, Chair

And, that such amendments read:

1. Title, line 5.

Following: "ROADS AND"

Insert: "DESIGNATED"

2. Page 1, line 11.

Strike: "Protection of riparian vegetation -- limit on motorized"

Insert: "Limits on"

Following: "camping"

Strike: ", "

Insert: "in riparian areas and"

3. Page 1, line 12.

Following: "vehicles."

Insert: "(1)"

4. Page 1, line 13 through line 14.

Following: "streams"

Insert: ", "

Strike: ":" on line 13 through "(1)" on line 14

5. Page 1, line 15.

Strike: "; and"

Insert: "."

6. Page 1, line 16.

Strike: "the off-road"

Committee Vote:

Yes 10, No 0

Fiscal Note Required __

SB0160001SC.sdr

DR

Insert: "The"

7. Page 1, line 17.

Following: "except"

Strike: "on designated" through "purposes"

Insert: ":

- (a) for administrative purposes; or
- (b) as designated by the department on roads, trails, or specific areas"

- END -

**MONTANA STATE SENATE
Roll Call Vote
FISH AND GAME COMMITTEE**

~~SENATE FISH AND GAME
EXHIBIT NO. 13
DATE 1/25/11
BILL NO. SB 43~~

DATE 1/25/11 BILL NO SB 43 MOTION NO. _____
MOTION: _____

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	<u>If Proxy Vote, check here & include signed Proxy Form with minutes</u>
<u>SENATOR JOE BALLYEAT, VICE CHAIR</u>		✓	
<u>SENATOR DEBBY BARRETT</u>		✓	
<u>SENATOR JOHN BRENDAN, CHAIR</u>		✓	
<u>SENATOR TOM FACEY</u>		✓	
<u>SENATOR STEVE GALLUS</u>		✓	
<u>SENATOR BRADLEY MAXON HAMLETT</u>		✓	
<u>SENATOR GREG HINKLE</u>		✓	
<u>SENATOR LARRY JENT</u>		✓	
<u>SENATOR JIM SHOCKLEY</u>		✓	✓
<u>SENATOR ART WITTICH</u>		✓	
		10	

SENATE FISH AND GAME
EXHIBIT NO. 11
DATE 1/25/11
BILL NO. SB 43

MONTANA STATE SENATE
Roll Call Vote
FISH AND GAME COMMITTEE

DATE 1/25/11 BILL NO. SB 43 MOTION NO. _____
MOTION: Amendment

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR JOE BALLYEAT, VICE CHAIR	✓		
SENATOR DEBBY BARRETT	✓		
SENATOR JOHN BRENDAN, CHAIR	✓		
SENATOR TOM FACEY	✓		
SENATOR STEVE GALLUS		✓	
SENATOR BRADLEY MAXON HAMLETT		✓	
SENATOR GREG HINKLE	✓		
SENATOR LARRY JENT	✓		
SENATOR JIM SHOCKLEY	✓		✓
SENATOR ART WITTICH	✓		
	8	2	

MONTANA STATE SENATE
Roll Call Vote
FISH AND GAME COMMITTEE

SENATE FISH AND GAME
EXHIBIT NO. 12
DATE 1/25/11
BILL NO. SB 43

DATE 1/25/11 BILL NO. SB 43 MOTION NO. _____
MOTION: _____

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	<u>If Proxy Vote, check here & include signed Proxy Form with minutes</u>
<u>SENATOR JOE BALLYEAT, VICE CHAIR</u>		✓	
<u>SENATOR DEBBY BARRETT</u>		✓	
<u>SENATOR JOHN BRENDAN, CHAIR</u>	✓		
<u>SENATOR TOM FACEY</u>	✓		
<u>SENATOR STEVE GALLUS</u>	✓		
<u>SENATOR BRADLEY MAXON HAMLETT</u>	✓		
<u>SENATOR GREG HINKLE</u>		✓	
<u>SENATOR LARRY JENT</u>		✓	
<u>SENATOR JIM SHOCKLEY</u>		✓	✓
<u>SENATOR ART WITTICH</u>	✓		
	5	5	

**AUTHORIZED
SENATE COMMITTEE PROXY**

I, Senator Jim Shockley, request to be excused from the

Fish and Game COMMITTEE

due to my other commitment. I desire to leave my proxy vote with:

Vice Chair Joe Balyeat

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO	BILL/AMENDMENT	AYE	NO
SB135 AMEND	X				
SB135	X				
SB 90 (AMEND)	X				
SB90	X				
SB92 AMEND	X				
SB92	X				
SB136 AMEND	X				
SB136	X				
SB160 AMEND	X				
SB160	X				
SB43 02. AJK	X				
SB43 THOMPSON		X			
SB43 AMEND 5		X			
SB43 01. AJK	X				

Sen. _____

(Signature)

Date _____

7 JAN 2011

**AUTHORIZED
SENATE COMMITTEE PROXY**

I, Senator Art Wittich, request to be excused from the

Fish and Game COMMITTEE

due to my other commitment. I desire to leave my proxy vote with:

Vice Chair Joe Balyeat

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
SB 135 AMEND	X	
SB 135	X	
SB 90 (AMEND)	X	
SB 90	X	
SB 92 AMEND	X	
SB 92	X	
SB 136 AMEND	X	
SB 136	X	
SB 160	X	

BILL/AMENDMENT	AYE	NO

Sen. Art Wittich
(Signature)

Date _____

SENATE FISH AND GAME COMMITTEE

Sponsor: Senator Joe Balyeat

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.